

**CITY OF BROKEN ARROW
PLANNING COMMISSION MEETING
MINUTES
July 10, 2003**

The Planning Commission Agenda for this meeting was posted on July 3 2003, at 930 a.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, July 10, 2003, at 5:01 p.m.

2. Present: Renate Caldwell, Vice Chairperson
 Mike Lester, Commission Member
 Ricky Jones, Commission Member
- Absent Robert Goranson, Chairman
 Johnnie Parks, Commission Member
- Staff Present: Farhad K. Daroga, City Planner
 Karl Fritschen, Staff Planner
 Joyce Snider, Admin Ass't
 April Parnell, Ass't City Attorney
 Justin Cook, City Engineer
 Jeff Westfall, Engineering Dept
 Don Slone, CDC

3. The Commission considered the minutes of the regular Planning Commission meeting held June 26, 2003. **Motion** by Mike Lester to continue the June 26, 2003, minutes to the meeting of July 24, 2003. The motion was seconded by Ricky Jones.

Yes: Jones, Lester, Caldwell

No: None

Motion Approved

4. The Commission considered the Consent Agenda. Farhad Daroga reviewed each item on the Consent Agenda.

Motion by Ricky Jones to approve the Consent Agenda, as recommended by Staff, excluding Item No. 4A. The motion was seconded by Mike Lester.

Yes: Jones, Lester, Caldwell

No: None

Motion approved

- 4A. PT03-110, DN03-140, Arlington Court preliminary plat, 8.82 acres, R-4 (BAZ 1579 and PUD 134A) between 67th Street and 68th Street on the east side of Olive Avenue (129th E. Avenue), Hall, Rosenbaum & Associates, Inc. (Engineer). The applicant was present. This item was removed from the Consent Agenda to be considered immediately after Item No. 6.

- 4B. PT03-115, DN03-151, Citizens Security Bank at Broken Arrow preliminary plat, C-3, 6.3 acres, (BAZ 1600) southwest corner of Kenosha Street and Olive Avenue, Tulsa Engineering & Planning Associates, Inc. (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4C. CA03-103, DN03-139, Popeye's Restaurant change of access, 1.68 acres, Lot 10, Block 1, Kenosha Crossing, Crafton, Tull & Associates, Inc., (Applicant). The applicant was not present. This item was approved as recommended by Staff.
- 4D. ST03-127, DN03-104, Aspen Park Baptist Church site and landscape plan, 5.55 acres, R-2 (BAZ 1432), SP 154A, one-quarter mile north of Florence (111th) Street on the west side of Aspen Avenue, Joe E. Donelson, (Applicant). The applicant was present. This item was approved as recommended by Staff.

5. **ITEMS REMOVED FROM CONSENT AGENDA**

- 6. The Commission considered PUD 134A, major amendment to PUD 134, Arlington Court (Horseshoe Acres) 8.54 acres, BACP 44, R-4 (BAZ 1579) between 67th Street and 68th Street on the east side of Olive (129th East) Avenue, Roy Johnsen, attorney for DGM Ventures, LLC. Farhad Daroga presented the background, saying the Comprehensive Plan was amended November 2002, conditional to the property being rezoned and platted. He said PUD 134 was approved by the Planning Commission and City Council a few months ago and PUD 134A is a revision to PUD 134, the layout and the concept plan has changed, the conceptual development remains the same. He said the project will have single-family homes with an entrance from the south from 68th Street, with two access points only on the north side. He said this is a gated community with private streets. He said the lot sizes are about the same as in PUD 134, and the conceptual layout shows a small detention facility on the southwest side. He said the big change is the layout with some perimeter changes on the north and south sides.

Roy Johnsen, 201 West Fifth Street, Suite 501, Tulsa, representing the property owner, outlined briefly the history and concept of this project. He said the open space has been substantially increased from 50,000 to 90,000 (square feet), the number of dwelling units has been reduced. He said an area has been specifically identified in the southwest corner for storm water detention. He said the impact of these changes on the surrounding neighborhoods is likely to be positive. He said the conditions recommended by City Staff are acceptable and asked the Planning Commission to endorse those conditions and approve the project. Dave Markle, Alan Hall and Barrick Rosenbaum were also present to support this application.

Mike Lester said the concept was acceptable but the setback reduction requested for the east boundary from 27 feet to 12 feet was a concern. Roy Johnsen said in the earlier plan there was an alley along the perimeter which has been removed and a landscaped area is now planned on the east. He said there will not be an intervening street, but a landscaped area instead and that will be a side yard.

Mike Lester said it was agreed that only emergency access would be allowed onto 67th on the north side and now two points of access and egress onto 67th is being requested. Roy Johnsen said it is being shown for egress only and he thought that came from City Staff. He said the main entrance is on the south. Discussion followed. Justin Cook said the Engineering Department requested this point of egress to reduce the impact of traffic exiting from two places instead of one.

6. continued

Mike Lester said a reduction of the number of trees in the front yard has been requested. Roy Johnsen said City Staff put that back in and Farhad Daroga said that needs to be evaluated in more detail to see how much space will be available for trees.

Ricky Jones asked if the two points of egress on 67th will be gated and Roy Johnsen said they would.

Linda Stillwell, 13507 East 68th Street, Broken Arrow, spoke in opposition to this project, saying a home adjoins the east side of this property, which is a concern. She said this project has been compared to The Greens at Cedar Ridge and they are nothing alike. She iterated the comparisons to emphasize her point. She said the traffic will be increased greatly by this development. She talked about the storm water problems it will cause and said her neighborhood will be diked in by this development, which should not be allowed at the expense of the established neighborhoods in the area.

Jim King, 6712 South 136th East Avenue, Broken Arrow, said he wishes to reinforce Mrs. Stillwell's comments and expressed the 100% opposition of the Horseshoe Acre property owners to this development. He said this is not a desirable development for this area and said the rezoning of this area was totally inappropriate.

Jim Grey, 13211 East 66th Street, Broken Arrow, said he backs up what Mrs. Stillwell and Mr. King said. He said, in regard to the detention pond mentioned, what happened to the storm sewer that was to have been installed and run to 81st Street. He said the land in question needs badly to be mowed.

Ricky Jones asked Justin Cook if this site will drain into a pipe and where will the storm water go.

Justin Cook said it will go to the southern creek, about a quarter-mile south of the site, along Olive Avenue.

Ricky Jones asked if on-site detention is required for this site and Justin Cook said it is. He said the channel downstream will have to be able to handle the runoff down to the natural channel. He said the engineers have worked on several alternatives and are close to turning in a proposal. He pointed out there are three basins and instead of reducing one basin to over-compensate for the other two, the entire grading in the subdivision is being redirected to one basin and reducing it below the existing of that basin, to ensure full compliance.

Mike Lester asked if the City Council has already approved the reduction of setbacks on the east side to 12 feet. Farhad Daroga said they have not. He outlined the proposed changes.

Mike Lester asked Roy Johnsen what kind of landscaping is proposed for the 12-foot buffer. He asked if it will be something that will screen the property.

Roy Johnsen said there will be trees and they will be effective. He said landscaping can be designed to provide effective screening.

Ricky Jones said he could see reducing the backyard and relocating the private drive.

Renate Caldwell asked if the proposed perimeter wall will be similar to the one at The Greens.

Dave Markle, 3713 Orange Circle, Broken Arrow, the property owner, said the wall will be similar or more attractive which also serves as a sound barrier.

6. continued

Farhad Daroga said, based on previous approval of BACP 44, subject to the property developing through PUD standards, Staff recommends approval of PUD 134A, with the following conditions:

1. Number of dwelling units shown on revised/submitted PUD concept plan (Exhibit A) is 54. PUD text specifies 56 units. Revise PUD written text (page 2) accordingly.
2. In the submitted PUD text (page 2) the minimum yards specified do not match those in the conceptual site plan (Exhibit A).
3. Access to lots should be clarified as vehicular access. On page 3, in "Access," add "vehicular access."
4. Within the proposed text of this PUD, on page three, "Access," should specify that "no access shall be allowed onto and from Olive Avenue," as shown in the conceptual site plan (Exhibit A).
5. As per the revised proposal, show correction in the PUD text, page 4, landscaping (last section) "except that one tree shall be provided for each 25 feet of public street frontage."
6. The applicant has indicated that all streets and alleys in this PUD shall be privately owned and maintained by the property owners association. Therefore, the proposed text of the PUD, on page 4, "Platting Requirement," should include the following:

"All thoroughfares, roadways, streets and alleys in this subdivision are specifically designed to be privately owned and perpetually maintained by the property owners association. All parking and no parking regulations shall be enforced by the property owners association. In addition, the removal of solid waste and trash pickup from each residential unit shall be the responsibility of each lot owner or the property owners association through contracts with licensed private haulers and not with the City of Broken Arrow."

There were approximately seven people from the Horseshoe Acres area present.

Motion by Ricky Jones to recommend approval of PUD 134A, subject to Staff recommendations. The motion was seconded by Renate Caldwell.

Yes: Jones, Lester, Caldwell

No: None

Motion approved

Staff said PUD 134A will be considered by the City Council on August 4, 2003, at 7:00 p.m. (The 7:00 p.m. time was clarified.)

- 4A. The Commission considered PT03-110, DN03-140, Arlington Court preliminary plat, 8.82 acres, R-4 (BAZ 1579 and PUD 134A) between 67th Street and 68th Street on the east side of Olive Avenue (129th E. Avenue), Hall, Rosenbaum & Associates, Inc. (Engineer).

Motion by Mike Lester to approve PT03-110, subject to the attached checklist. The motion was seconded by Ricky Jones.

Yes: Jones, Lester, Caldwell

No: None

Motion approved

7. The Commission considered BAZ 1604, 60 acres, A-1 to C-2, southwest corner of the Creek Turnpike and New Orleans (101st) Street, John Moody (Applicant). Farhad Daroga presented the background, saying the applicant is present and has requested this item go forward. He said the applicant had thought they might need a continuation, but have now said they are ready to go forward.

Ricky Jones asked if this matter before the Commission can go forward with legal notice, since a request for continuance has been received. Farhad Daroga said no one had been notified of the request for a continuance, so the item is ready to be acted on and gave the background for this case.

John Moody, attorney for Charles Repschlager, the property owner, said this site is designated Level 4 by the Comprehensive Plan which is C-2 Planned Shopping Center District classification is appropriate. He said under C-2 zoning, a detailed site plan and platting will be required before development and rezoning is the first step. He said his client plans to develop this property over a period of time. He said no apartments are planned for this project. He said the site has 613 feet of frontage with access on New Orleans Street and City Staff will have a say in the design of the site. He said the property abuts Elmwood Estates on its western boundary and an open space buffer with a fence will be required by the City. There were no protestants present. However, there were about seven or eight residents of nearby property present. Staff presented the recommendation, as listed in the Staff recommendation in the related Staff report distributed to the Planning Commission.

Motion by Mike Lester to recommend approval of BAZ 1604 as recommended by Staff. The motion was seconded by Ricky Jones.

Yes: Jones, Lester, Caldwell

No: None

Motion approved

Renate Caldwell said this item will be considered by the City Council in their meeting of August 4, 2003, at 7:00 p.m. (The new meeting time of 7:00 p.m. was clarified.)

8. **DISCUSSION ITEMS**

None.

9. **DISCUSSION ITEMS**

None.

10. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF
(NO ACTION)**

None.

11. **Motion** by Mike Lester at 5:47 p.m. to adjourn. The motion was seconded by Ricky Jones.

Yes: Jones, Lester, Caldwell

No: None

Motion approved